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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

X.COMMERCE, INC. D/B/A MAGENTO,  
INC.,

Plaintiff,

vs.

EXPRESS MOBILE, INC.,

Defendant.

Case No.: 3:17-cv-02605-RS

**JOINT STIPULATION AND ORDER RE:  
CASE SCHEDULE AS MODIFIED BY THE  
COURT**

Assigned to Honorable Richard Seeborg

IT IS HEREBY STIPULATED by and between Plaintiff X.Commerce, Inc. d/b/a/ Magento, Inc. (“Magento”) and Defendant Express Mobile, Inc. (“Express Mobile”), subject to the approval of the Court, as follows:

WHEREAS, on August 14, 2020, the Court entered an order continuing the close of expert discovery to October 24, 2020, continuing the deadline for filing dispositive and *Daubert* motions to November 19, 2020, vacating all additional deadlines previously set by the Court, and ordering the parties to provide the Court with a new proposed schedule before the close of expert discovery (Dkt. 196);

WHEREAS, the previous time modifications in this case are as follows: On October 26, 2017, the Court entered the original Case Management Scheduling Order (Dkt. 44) setting deadlines through claim construction, which was modified on December 14, 2017 (Dkt. 50), January 5, 2018 (Dkt. 52), March 8, 2018 (Dkt. 58), and May 11, 2018 (Dkt. 64); on February 15, 2019, the Court entered a new Case Management Scheduling Order (Dkt. 87) setting post-claim construction deadlines, which was modified on July 26, 2019 (Dkt. 98), September 12, 2019 (Dkt. 115), September 25, 2019 (Dkt. 126), November 21, 2019 (Dkt. 150), December 3, 2019 (Dkt. 154), and December 16, 2019 (Dkt. 158); and on April 2, 2020, the Court entered a Further Case Management Scheduling Order (Dkt. 178), which was supplemented on April 15, 2020 (Dkt. 182) and partially modified and partially vacated on August 14, 2020 (Dkt. 196).

NOW, THEREFORE, pursuant to Civil Local Rule 7-12 and to the Court’s August 14, 2020 order, the parties hereby stipulate to and propose the following new case schedule:

Description	Date
Close of expert discovery	October 24, 2020
Deadline file dispositive motion and <i>Daubert</i> motion	November 19, 2020
Deadline to file oppositions to dispositive motion and <i>Daubert</i> motion	December 23, 2020
Deadline to file replies to dispositive motion and <i>Daubert</i> motion	January 21, 2021

Description	Date
Hearing on dispositive motions and <i>Daubert</i> motions	February 11, 2021 at 1:30 PM or at the Court's convenience <sup>1</sup>
Last day for lead trial counsel to meet and confer pursuant to Paragraph A of the Guidelines for Final Pretrial Conference in Jury Cases before Judge Seeborg	21 days before pretrial conference
Deadline to submit joint pretrial statement and order and file motions <i>in limine</i> ; Deadline for parties to exchange exhibits	10 days before pretrial conference
Deadline for parties to deliver exhibits, file and serve deposition designations, and file and serve jury materials; Deadline to file a trial brief	5 days before pretrial conference
Pretrial conference	May 19, 2021 at 10:00 AM
Jury Trial	June 1, 2021 at 9:00 AM

IT IS SO STIPULATED.

Respectfully submitted,

Dated: October 20, 2020

By: /s/ Irene Yang

Irene Yang

*Attorneys for Plaintiff Magento, Inc.*

Dated: October 20, 2020

By: /s/ Jeffrey F. Craft

Jeffrey F. Craft

*Attorneys for Defendant Express Mobile, Inc.*

<sup>1</sup> The parties will contact Magistrate Judge Corley to reschedule the settlement conference once a summary judgment hearing date is set. *See* Dkt. 197.

**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.


Dated: October 20, 2020

/s/ Irene Yang  
Irene Yang

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 20, 2020

  
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Honorable Richard Seeborg  
UNITED STATES DISTRICT JUDGE